

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:

CC 92-77

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September 27, 1994

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OCT 3 1994

The Honorable Frank D. Lucas
U.S. House of Representatives
2206 Rayburn House Office Building
Washington, D.C. 20515

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Congressman Lucas:

Thank you for your letter on behalf of Gary A. Parsons, Regional Director, Oklahoma Department of Corrections, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable Frank D. Lucas
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Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', with a long horizontal flourish extending to the right.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

FRANK D. LUCAS
6TH DISTRICT, OKLAHOMA

2206 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3606
(202) 225-5565

COMMITTEES:
AGRICULTURE
GOVERNMENT OPERATIONS

CHIEF OF STAFF: ALLEN B. WRIGHT

Congress of the United States
House of Representatives
Washington, DC 20515-3606

OLA
92-77
4498

DISTRICT OFFICES:
215 DEAN A. MCGEE AVENUE
ROOM 109
OKLAHOMA CITY, OK 73102-3422
(405) 231-5511

FEDERAL BUILDING
P.O. BOX 3612
ENID, OK 73701
(405) 233-9224

1007 MAIN STREET
WOODWARD, OK 73802
(405) 256-5752

September 8, 1994

Lauren Belzin
Acting Director, Leg. Affairs
Federal Communications Comm.
Room 808
1919 M Street, N.W.
Washington, DC 20554

Dear Ms. Belzin:

I am writing to request that you review the enclosed letters from constituents of mine concerning the proposed change in telephone service for correctional facilities.

I hope you will be able to address their concerns in as good a manner as possible. Thank you for your assistance in this matter, and I look forward to hearing back from you.

Sincerely,



FRANK D. LUCAS
Member of Congress

FDL/ojp

LARRY A. FIELDS
DIRECTOR



AUG 16 1994

DAVID WALTERS
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
WESTERN REGION

August 4, 1994

Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M. Street NW
Washington, DC 20554

Subject: BILLED PARTY PREFERENCE (CC DOCKET #92-77)

Dear Chairman Hundt,

I am writing in regards to the proposed change in telephone service for correctional facilities, specifically the Billed Party Preference. I will attempt to relay my concerns with the changes as it affects the correctional system in Oklahoma.

Currently our inmate phone systems allows the facility administrator to establish certain parameters for inmate calls with the contracted long distance service provider. They can restrict certain numbers, area codes, record the number called with time, date and duration of the call. We need to be able to implement changes immediately with a vendor we are familiar with and who is familiar with the needs of a correctional environment. These needs are vastly different than the public's need for long distance service. These services are generally agreed upon before a contract is established so all parties are aware of the process and criticalness of the need to make immediate changes. This information can become vital if the need arises where possible additional criminal charges may be warranted. If we lose these types of controls and records, we may not be able to provide the needed information to the district attorney in a timely manner.

We currently receive commissions from the long distance service provider that are used to provide needed programmatic services, welfare and recreation equipment and supplies, etc., to the inmate population. If this commission is reduced or eliminated, the impact on inmate programs would be devastating. If we were to fund these items from our general operating budget, the facilities would have to reduce other expenditures to offset this loss in revenues.

I believe there is a misconception that the long distance service provider is overcharging the inmates families due to the commissions we receive. This is far from the truth, we make



every effort to ensure the rates charged are fair and reasonable. The service provider must be able to make a reasonable profit and we use the revenues to provide services and programs to benefit the inmate population. If we selected a carrier that charged un-reasonable rates, all parties involved would suffer when the inmates families would not accept the calls, thereby reducing the revenues.


With our current systems, we can, and do when warranted, restrict calls to victims of the inmates; this protection may not be possible with the billed party preference system. We have the need and the desire to protect the victims from further anguish from the perpetrator of the crime.

I feel we, as correctional administrators are in a better position to manage and control inmate calls. We are familiar with methods inmates use to attempt to abuse the phone privileges and telephone systems and have processes in place to handle these situations when they arise.

I urge you to exempt prison and jail systems from the Preferred Party Billing method.

Thank you for the opportunity to provide information from a corrections practitioner viewpoint.

Sincerely,



Gary A. Parsons, Regional Director

GAP/dsh/may

cc: Larry A. Fields, Director
File

OFFICE OF

TERRY POFF, SHERIFF

BECKHAM



COUNTY

SAYRE, OKLAHOMA 73662

PHONE 928-2121

Jul 23 1994

July 27, 1994

Glenn English-Dist 6
U.S. House of Representatives
Washington, D.C. 20515

Re: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Congressman English:

We are opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to single carrier that is equipped to handle inmate calls and with whom we have contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive call, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary to our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. We urge you to not adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terry Poff".

Terry Poff, Sheriff Beckham County

TP/cah